

~~67~~ (Amended) A vector comprising a nucleotide sequence that encodes a mammalian methylthioadenosine phosphorylase polypeptide comprising the amino acid sequence of SEQ ID NO:2.

~~70~~ (Amended) A host cell comprising a nucleotide sequence not normally found within the cell and that encodes a mammalian methylthioadenosine phosphorylase polypeptide comprising the amino acid sequence of SEQ ID NO:2.

II. REMARKS

A. Status of the Claims

Claims 39-46, 49-53 and 67-94 were pending in the application at the time of this paper. Amendment to claims 49-51, 67 and 70 has been respectfully requested in the Amendment contained herein. Cancellation of claims 45, 46, and 74-94 has been respectfully requested in the Amendment contained herein. Therefore, following entry of the Amendment, claims 39-44, 49-53 and 67-73 would be pending. For the convenience of the Examiner, a copy of the proposed claim amendments with editing indicia is attached as Appendix A. In addition, a copy of the pending claims assuming acceptance of the proposed claim amendments is attached as Appendix B.

B. Remarks Pertaining to Claim Amendments

Appellant submits this Amendment for consideration by the Examiner in response to the telephone interviews of 3 October 2002, 8 October 2002, and 7 January 2003 between Examiner and Appellant's representatives. Appellant believes these amendments fully address each of the concerns expressed by the Examiner.

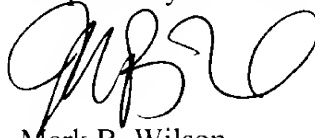
These amendments have been made without any acquiescence whatsoever in regard to any of the issues raised by the Examiner. Rather, these amendments have been solely made to speed issuance of Applicant's application. In addition, entry of the Amendment will simplify the number of issues to address on appeal. Therefore, Appellant respectfully submits that the Amendment should be entered.

III. PETITION FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of two months up to and including January 28, 2003, in which to respond to the Office Action dated August 6, 2002. Pursuant to 37 C.F.R. § 1.16 and 1.17, a check in the amount of \$205.00 are enclosed, which is the process fee for a two-month extension of time. If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Office is authorized to deduct or credit fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/10008123/MDLP.

Should the Examiner have any questions or comments, or believe that certain clarifications might more readily progress the present application to issuance, a telephone call to the undersigned Applicant's representative at 512-536-3035 is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MBW', written over the typed name.

Mark B. Wilson

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Date: January 9, 2003

APPENDIX A: CLAIM AMENDMENTS

49. (Amended) The isolated nucleotide of claim 39 [48], wherein said nucleotide is from about 849 to about 1,000 basepairs in length.
50. (Amended) The isolated nucleotide of claim 39, wherein said sequence region that encodes a polypeptide comprising the amino acid sequence of SEQ ID NO:2 [coding region] is operably positioned under the control of a promoter.
51. (Amended) The isolated nucleotide of claim 39, wherein said sequence [coding] region that encodes a polypeptide comprising the amino acid sequence of SEQ ID NO:2 is operatively linked to a second coding region that encodes a selected peptide or polypeptide, said nucleotide encoding a methylthioadenosine phosphorylase fusion peptide or polypeptide.
67. (Amended) A vector comprising [at least] a [first] nucleotide sequence that encodes a mammalian methylthioadenosine phosphorylase polypeptide comprising the amino acid sequence of SEQ ID NO:2.
70. (Amended) A host cell comprising [at least] a [first] nucleotide sequence not normally found within the cell and that encodes a mammalian methylthioadenosine phosphorylase polypeptide comprising the amino acid sequence of SEQ ID NO:2.